

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

| | | |
|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| |) | Case No. 3:10-cr-00260-8 |
| v. |) | William J. Haynes |
| |) | Federal District Judge |
| |) | |
| FADUMO MOHAMED FARAH. |) | |

MOTION IN LIMINE #3

Comes now the accused, Faduma Farah, by and through her counsel, Luke A. Evans, and moves this Honorable Court to issue an order directing the Government as follows:

1. It is anticipated by the accused, that the Government will attempt to poison the jury by either referencing or putting on the testimony of Safiyo Nur, otherwise referred to as Jane Doe 5. It is anticipated that Mrs. Nur will testify that Defendant made money off her at her apartment; however, the Defendant is not charged in any count with trafficking Mrs. Nur. She will further testify that Defendant made money of other girls from Minnesota, Ohio and Atlanta; however, Mrs. Nur does not identify these supposed girls as those listed in the indictment. Mrs. Nur is also expected to give testimony regarding several of the Defendants allegedly participating in commercial sex acts with individuals other than the Jane Does identified in the indictment.

2. Based on the foregoing, the accused moves this Honorable Court to issue an Order directing the Government to refrain from referencing in any manner,

in the presence of jury, any facts derived from Mrs. Nur. Further, that the government be prohibited from putting forward the testimony of Safiyo Nur.

3. Any information regarding those allegations would be irrelevant at the trial in this cause pursuant to the *Federal Rules of Evidence, 401, 402*. Moreover, if, said information were allowed to be presented to the jury, it would be unfairly prejudicial to the accused and likely confuse the jury and/or mislead the jury for their consideration of the indicted offense in violation of *Rule 403 of the Federal Rules of Evidence*.

4. Additionally, to introduce such evidence to the jury in this cause would violate Rule 404b of the Federal Rules of Evidence, as it is evidence of “other acts” that is unfairly prejudicial and without sufficient corroboration; therefore, the Government should be required to conduct a jury out hearing, in full compliance with Rule 404b of the Federal Rules of Evidence, prior to either referencing or presenting such evidence to the Jury.

WHEREFORE, PREMISES CONSIDERED, the accused, through counsel, moves this Honorable Court for the relief as stated herein, as well as any further general relief that this Court deems both necessary and proper.

Respectfully submitted,

BULLOCK, FLY, HORNSBY & EVANS

/s/ Luke A. Evans
LUKE A. EVANS, BPR #23620
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Certificate of Service

I hereby certify that on March 9, 2012, I electronically filed the foregoing Motion with the clerk of the court by using the CM/ECF system, which will send a Notice of Electronic Filing to the following: **Van Vincent**, Assistant United States Attorney, 110 Ninth Avenue South, Suite A-961, Nashville, Tennessee 37203; along with the other parties in this case as listed to be noticed in the CM/ECF system.

/s/ Luke A. Evans

LUKE A. EVANS